

JUN 1 5 2003

UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO

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JAMES SEABA and CORY PHILLIPS.	GLE	
Plaintiffs, v.	NO. CIV-02-0103 LH.RHS	
MESOSYSTEMS TECHNOLOGY, INC		
Defendant.		

SUPPLEMENTAL AFFIDAVIT OF LISA ALBRECHT

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

Lisa Albrecht, upon her oath states the following to be true and correct:

- 1. From March 2000, until June 2003, I was employed at MesoSystems Technology, Inc. ("MesoSystems") as its Corporate Secretary. I am submitting this Supplemental Affidavit in support of MesoSystems' Motion to Dismiss and for Sanctions which I understand is pending at this time. I have personal knowledge of the facts stated herein.
- 2. In January of 2002, I participated in a chain of custody procedure established under Dr. Ned Godshall's direction to receive, store and ship for examination, two laptop computers which had been used by James Seaba and Cory Phillips during their employment at MesoSystems and which we expected to receive from Seaba's and Phillips' attorneys. Upon receiving the computers on January 30, 2002, I personally stored them in a locked file cabinet inside my office, until I sent them to New Technologies Armor, Inc. on February 11, 2002.
- 3. As part of the chain of custody procedure subject of this Affidavit, I created a Chain of Custody Log (the "Log"). MesoSystems' chain of custody procedure

required an entry into the Log every time I accessed the locked file cabinet, even if the access took place in connection with other items returned by Plaintiffs stored therein.

- 4. When I received the computers and other items on January 30, 2002, 1 directed the courier who delivered them to me to initial the Log. The entry on the Log reading "MDH 1/30/02 11:53 a.m. Received Original Equipment from Lisa Mann c/o Modrall Law" reflects the courier's delivery of the equipment to me. At 12:05 p.m. (the entry on the Log erroneously says "12:05 a" instead of "12:05 p.m."), I placed the computers and other items in a file cabinet in my office and locked the cabinet. During the 11 days the computers were locked in the file cabinet, I never removed the computers from the locked cabinet and, indeed, never turned on or even touched the computers.
- 5. On February 7, 2002, I accessed the locked cabinet and removed a coated foam block and gave that material to Ms. Rhonda Lujan, a then MesoFuel employee. I only removed the coated foam block at that time.
- 6. No one but me, not even Dr. Godshall, had access to the locked file cabinet during the 11 days the computers were stored therein.
- 7. I retained sole possession of the only key known to open that cabinet during the time the computers in question were stored therein. Other than the coated foam blocks that were given to Ms. Lujan, there were no other items stored in that file cabinet during those 11 days which required any kind of access by anyone else.
- 8. When I shipped the two laptops to NTI on February 11, 2002, I also included the Log in the package in the same container as the computers. MesoSystems therefore does not have the original Log.

FURTHER AFFIANT SAYETH NAUGHT.

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		Lisa Albrecht
STATE OF NEW MEXICO)	
) ss.	
COUNTY OF BERNALILLO)	
This instrument was acknowledged June 2003.	owledged be	efore me by Lisa Albrecht this $\overline{\prod}$ day of
		Phy De & Black
My Commission Expires:		NOTARY PUBLIC
12/22/84		OFFICIAL SEAL Phyllis L. Blair NOTAPY CUBIC SLATE GENERAL MEYECO.